

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

FRANCIS ANTHONY JOSEPH LOMBARDO,	:	CIVIL ACTION NO. 3:11-1895
	:	
Plaintiff	:	(JUDGE MANNION)
	:	
v.	:	
	:	
JUSTIN TOKAR and MAIVAUN HOUSSEN¹,	:	
	:	
Defendants	:	

ORDER

In light of the memorandum issued this same day, **IT IS HEREBY ORDERED THAT:**

- (1) the defendants' objections to the report and recommendation of Judge Schwab, (**Doc. No. [110](#)**), are **OVERRULED**;
- (2) the plaintiff's objections to the report and recommendation of Judge Schwab, (**Doc. No. [111](#)**), are **OVERRULED**;
- (3) the report and recommendation of Judge Schwab, (**Doc. No. [109](#)**), is **ADOPTED IN ITS ENTIRETY**;
- (4) the defendants' motion for summary judgment on the plaintiff's Fourth Amendment seizure claim, (**Doc. No. [75](#)**),

¹In addition to the listed defendants, the plaintiff had named Frank Coslett in his amended complaint. However, on May 31, 2013, the plaintiff filed a motion to withdraw his complaint with respect to Mr. Coslett, (Doc. No. [52](#)), which was granted by order dated June 6, 2013, (Doc. No. [54](#)).

is **GRANTED**; and

- (5) the instant action is remanded to Judge Schwab for further proceedings with respect to the plaintiff's Fourth Amendment search claim.

s/Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: January 29, 2014

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